

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 02-29-08

ROGER DUANE ORTEGO and BRYAN F. GILL, JR., Docket No. 07 Civ. 9641 (CSH)
As Trustee of the Bankruptcy Estate of ROGER
DUANE ORTEGO,

Justice: Charles S. Haight, Jr.

Plaintiffs,

-v.-

MORAN TOWING CORPORATION,

**STIPULATION AMENDING
PLAINTIFFS' COMPLAINT**

Defendant.

-X

07 Civ. 9641 (CSH)
Charles S. Haight

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Plaintiffs' Complaint is hereby amended pursuant to FRCP Rule 15(a) to substitute MORAN TOWING AND TRANSPORTATION LLC (formerly SEABOARD BARGE CORPORATION, which was employer of ROGER DUANE ORTEGO at the time of the accident), in place of MORAN TOWING CORPORATION.

2. The caption of this action shall henceforth read as follows:

-X
ROGER DUANE ORTEGO and BRYAN F. GILL, JR.,
As Trustee of the Bankruptcy Estate of ROGER
DUANE ORTEGO,

Plaintiffs,

-v.-

MORAN TOWING AND TRANSPORTATION LLC

Defendant.

-X

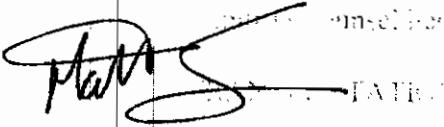
3. Plaintiffs' motion for leave to amend is hereby withdrawn.

4. Defendant's counsel hereby preserves the defense that the filing against MORAN TOWING AND TRANSPORTATION LLC is untimely. Plaintiff's counsel hereby preserves the claim that the filing against MORAN TOWING AND TRANSPORTATION LLC relates back to the filing against MORAN TOWING CORPORATION.

5. This stipulation may be filed with the Court without further notice.

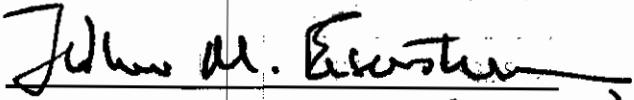
Dated: New York, New York
February 20, 2008

SAKKAS & CAHN, LLP

By: 

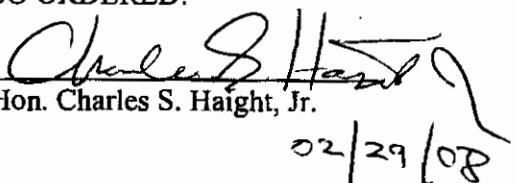
MATTHEW SAKKAS, ESQ. (WMS3351)
Attorney for Plaintiff
150 Broadway, Suite 1307
New York, N.Y. 10038
Tel: (212)693-1313
Fax: (212)693-1314

PROFETA & EISENSTEIN

By: 

JETHRO M. EISENSTEIN, ESQ. (JTE6848)
Attorneys for the Defendant
14 Wall Street, 22nd Floor
New York, NY 10005-2101
Tel: (212) 577-6500
Fax: (212) 577-6702

SO ORDERED:


Hon. Charles S. Haight, Jr.

02/29/08